

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PABBAN DEVELOPMENT, INC.,

No.: SACV 10-533 BRO (RNBx)

Plaintiff,

JUDGMENT

vs.

Honorable Beverly Reid O'Connell

KYPHON SÀRL, MEDTRONIC, INC.,
AND DOES 1-100,

Defendants.

KYPHON SÀRL and MEDTRONIC,
INC.,

Counterclaimants,

VS.

PABBAN DEVELOPMENT, INC., BIO-MEDICAL DEVICES, INC., BIO-MEDICAL DEVICES INTERNATIONAL, INC., and HARRY N. HERBERT,

Counterdefendants.

1 Following trial on the respective claims and defenses of Pabban
2 Development, Inc. (“Pabban”), Bio-Medical Devices, Inc. (“BMD”), Bio-Medical
3 Devices International, Inc. (“BMDI”), Harry N. Herbert (“Herbert”), Kyphon Sàrl
4 (“Kyphon”), and Medtronic, Inc. (“Medtronic”),

5 IT IS HEREBY ORDERED AND ADJUDGED that:

6 On Pabban’s first cause of action for breach of contract against Kyphon
7 and Kyphon’s first cause of action for breach of contract against Pabban, judgment is
8 entered in favor of Pabban and against Kyphon in the amount of Fifteen Million Four
9 Hundred Sixteen Thousand Dollars and Zero Cents (\$15,416,000.00).

10 On Pabban’s second cause of action for breach of contract against
11 Medtronic, judgment is entered in favor of Medtronic and against Pabban. Pabban
12 shall take nothing on this claim.

13 On Kyphon’s third cause of action for fraud against Pabban, BMD,
14 BMDI, and Herbert, judgment is entered in favor of Pabban, BMD, BMDI, and
15 Herbert and against Kyphon. Kyphon shall take nothing on this claim.

16 All other claims are dismissed with prejudice.

17 **IT IS SO ORDERED.**

18 Dated: August 8, 2014

19 By: _____

20 
21 HON. BEVERLY REID O’CONNELL
22 United States District Court Judge